

OCT 09 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)


Total Number of Pages in This Submission 28

Application Number	09/259,984
Filing Date	March 1, 1999
First Named Inventor	Nishikawa, et al.
Art Unit	2623
Examiner Name	SALTARELLI, Dominic D.
Attorney Docket Number	81105/7114

**ENCLOSURES (Check all that apply)**


<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	FITCH, EVEN, TABIN & FLANNERY		
Signature			
Printed name	Steven M. Freeland		
Date	10-9-06	Reg. No.	42,555

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Steven M. Freeland	Date	10-9-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 09 2006

002

PTO/SB/17 (01-08)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

**Complete if Known**

Application Number	09/259,984
Filing Date	March 1, 1999
First Named Inventor	Nishikawa, et al
Examiner Name	SALTARELLI, Dominic D.
Art Unit	2623
Attorney Docket No.	81105/7114

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 06-1135 Deposit Account Name: Fitch, Even, Tabin & Flannery

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
-----	-----

Multiple dependent claims

360	180
-----	-----

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
--------------	--------------	----------	---------------

- 20 or HP =  $\text{Extra Claims} \times \text{Fee} = \text{Fee Paid}$ 

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
---------------	--------------	----------	---------------

- 3 or HP =  $\text{Extra Claims} \times \text{Fee} = \text{Fee Paid}$ 

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--	----------	---------------

- 100 =  $\text{Extra Sheets} / 50 = \text{Number of each additional 50 or fraction thereof} \times \text{Fee} = \text{Fee Paid}$ **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Filing a brief in support of an appeal, under 37CFR 41.20 (b)(2)

500.00

**SUBMITTED BY**

Signature

Registration No. 42,555  
(Attorney/Agent)

Telephone (858) 552-1311

Name (Print/Type)

Steven M. Freeland

Date 10-9-06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 09 2006

DOCKET NO. 81105/7114


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.: 09/259,984  
Applicant(s): Nishikawa et al.  
Filed: March 1, 1999  
Title: PROVIDE OPTION PALETTE IN  
GUIDE SCREEN  
Examiner: Saltarelli, Dominic D.  
Art Unit: 2611  
Customer No.: 37123  
Confirm. No.: 5940

**Certificate of Transmission/Mailing**

I hereby certify that this correspondence is being  
facsimile transmitted to the USPTO, Fax No.  
(571) 273-8300, or deposited with the United  
States Postal Service with sufficient postage as  
first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on the date shown  
below:

Date: 10-9-06

  
Steven M. Freeland  
Attorney for Applicants  
Reg. No. 42,555

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Mail Stop: APPEAL BRIEF - PATENT  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this appeal brief under 37 C.F.R. § 41.37 appealing the final  
rejection of Claims 1-5, 10-27, 32-50 and 52-59 in the Office Action mailed May 5, 2006.

**(1) Real Party in Interest**

The real parties in interest are Sony Corporation and Sony Electronics Inc.

**(2) Related Appeals and Interferences**

No related appeals or interferences are known to Appellants.

10/11/2006 JBALINAN 00000039 061135 09259984

01 FC:1402 500.00 DA

Page 2 of 25  
Application No. 09/259,984  
Appeal Brief

### **(3) Status of Claims**

Claims 1-50 were submitted for examination in the application filed on March 1, 1999.

Claims 51-59 were added during prosecution.

Claims 1, 4, 5, 23, 26, 27, 45, 52-54 and 59 were amended during prosecution, and claims 6-9, 28-31 and 51 were cancelled during prosecution.

Claims 1-5, 10-27, 32-50 and 52-59 remain pending.

Claims 1-5, 11, 16, 17, 19-27, 32-33, 28, 39, 41-48, 50, and 52-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,929,849 to Kikinis (referred to below as the Kikinis patent) in view of U.S. Patent No. 6,005,565 to Legall et al. (referred to below as the Legall patent); claims 18 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 6,081,628 to Mackawa et al.; claims 12, 13, 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 6,208,384 to ; and claims 14-15, 36-37 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 6,216,264 to Maze et al. (referred to below as the Maze patent).

Claims 1-5, 10-27, 32-50 and 52-59 are appealed.

### **(4) Status of Amendments**

No amendments have been filed subsequent to the final rejection mailed May 5, 2006.

### **(5) Summary of Claimed Subject Matter**

The claimed embodiments are directed to apparatuses, systems and methods for use in displaying information.<sup>1</sup> In some implementations, these embodiments can be useful in integrating content from a variety of sources. For example, Internet content can be cooperated

---

<sup>1</sup> See at least Application page 2, lines 5-10.

Page 3 of 25

Application No. 09/259,984

Appeal Brief

with broadcast content.<sup>2</sup> By providing an integration of Internet content and broadcast content a user can access a variety of content and/or content providers can provide enhanced and varied content.

FIG. 2 from the application appears below for the convenience of the reader showing an example of an integrated receiver 12 according to some embodiments<sup>3</sup>:

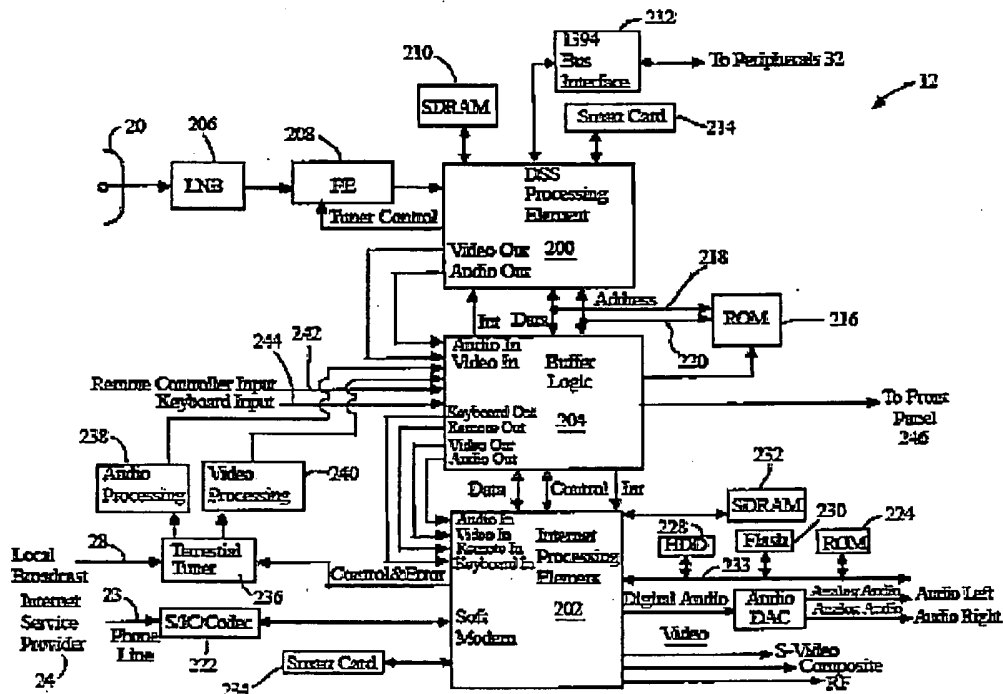


Fig. 2A

The integrated receiver includes a content processing element 200, an internet processing element 202, and a buffer logic 204 that interconnects the content processing element 200 and the internet processing element 202.<sup>4</sup> The integrated receiver 12 wirelessly receives broadcast content, performs operations on the broadcast content producing audio and video content to be played back and/or displayed through a playback device, such as a television (TV) 16.<sup>5</sup> The content, such as digital satellite system (DSS) content, can be wirelessly received through, for

<sup>2</sup> Application page 2, lines 5-10.

<sup>3</sup> Application page 5, lines 12-19, and at least FIGS. 1 and 2A-D.

<sup>4</sup> See at least Application page 5, lines 20-33.

Page 4 of 25  
Application No. 09/259,984  
Appeal Brief

example, a DSS antenna 20 and is routed to the content processing element, such as a DSS processing element, 200. The content includes sensory data and programming data, where at least some of the programming data corresponds with the sensory data.<sup>6</sup>

The DSS processing element 200 processes the content and forwards digital signals of one or more of the sensory data and the programming data.<sup>7</sup> In some embodiments, the processing of the data by the DSS processing element can include decoding, decompression, conversions, filtering the data bit stream based on user-selected and/or DSS criteria.<sup>8</sup> For example, the DSS processing element can process the received data to select or filter the signal to tune in a desired channel of data.<sup>9</sup> The data can include at least in part video and audio data representing various DSS channels, programming data corresponding to the video and audio data, and Internet data that are transmitted over DSS.<sup>10</sup> In some instances, the DSS processing element 200 received Internet data that can be transferred to the Internet processing element 202 through the buffer logic 204.<sup>11</sup>

The digital signals are received by the buffer logic 204 that processes and/or relays the received signals to the internet processing element 202 and can facilitate the transfer of commands and responses between the DSS processing element 220 and the Internet processing element 202.<sup>12</sup> The buffer logic 204 can pass the data from the DSS processing element 200 through to the Internet processing element 202 without further processing or in some embodiments can perform some processing, such as decimation processing of a video signal.<sup>13</sup> In some embodiments, the buffer logic 204 can further receive inputs from a user and/or one or

---

5 Application page 5, lines 12-15.

6 Application, at least page 6, lines 9-13, page 8, lines 16-22 and lines 28-30, and page 14, line 6.

7 Application, page 6, lines 8-13, and page 6, lines 33-34, and see at least FIGS. 1 and 2A-D.

8 Application, see at least page 6, lines 8-10, and page 10, lines 19-21.

9 Application, see for example, page 9, lines 22-29.

10 Application, page 6, lines 9-12.

11 Application, see for example page 6 line 2-13 and lines 33-34, and page 16 lines 11-14.

12 Application, at least page 6, lines 33-35, page 8, lines 5-15, and page 9, lines 6-8, and see at least FIGS. 1 and 2A-D.

13 Application, see at least page 6, lines 33-35 and page 10, lines 23-30.

Page 5 of 25  
Application No. 09/259,984  
Appeal Brief

more local broadcast signals.<sup>14</sup> The buffer logic 204 can provide a buffering or shielding between the DSS processing element 200 and the Internet processing element 202.<sup>15</sup>

The Internet processing element 202 received the data from the DSS processing element through the buffer logic 204<sup>16</sup>, broadcast data received through the buffer logic and Internet data received from a service provider<sup>17</sup>. The internet processing element can integrate and/or blend one or more of the Internet data, the DSS data and/or the broadcast data, and format the integrated data into a format that can be displayed.<sup>18</sup>

In some embodiments, the Internet processing element forwards the formatted data to be displayed on a display monitor, such as a TV 16.<sup>19</sup> Additionally in some implementations, a graphical user interface (GUI) 550, 630 632, 650 can be displayed that allows a user to navigate and/or select programming and/or Internet content (see for example, FIGS. 7-20).<sup>20</sup> The GUI can include and/or be displayed as an options palette that includes a plurality of icons (e.g., a guide icon 552, WebTV icon 554, Favorites icon 556, a TV Planner icon 558, etc.) that users can use to implement the navigation.<sup>21</sup> The GUI can additionally include, in some implementations, a decimated video region 569 that displays, typically in a reduced form, broadcast, programming, Internet and/or a combination of content.<sup>22</sup> In some embodiments, the GUI and/or part of the GUI can be defined and/or generated through the DSS processing element 200.<sup>23</sup> Additionally or alternatively, a memory or other storage element, such as a Flash memory 230, ROM 224 and/or other memory can be utilized, in some embodiments, to store some or all of the GUI.<sup>24</sup> The GUI can additionally or alternatively include a listing 604, 610, 658 or the like of content that in some

---

<sup>14</sup> Application, page 7, lines 4-8.

<sup>15</sup> Application, page 5, lines 31-33.

<sup>16</sup> Application, see at least page 8, lines 5-6.

<sup>17</sup> Application, see at least page 5, lines 27-31 and FIGS. 1 and 2A-D.

<sup>18</sup> Application, see for example, page 8, lines 5-9, and page 10, line 31 through page 11, line 9.

<sup>19</sup> Application, see for example, page 5, lines 1-3, page 8, lines 5-9, and page 11, lines 1-5).

<sup>20</sup> Application, see at least page 11, lines 10-13, page 13, lines 17-27, and page 15, lines 3-20, and see for example, FIGS. 7-20.

<sup>21</sup> Application, see for example, page 11 lines 10-31, and page 13 lines 17-27, and FIGS. 7-20.

<sup>22</sup> Application, see at least page 13, lines 24-27 and at least FIGS. 7-10, and 12-20).

<sup>23</sup> Application, see at least page 11 lines 15-17 and FIG. 2D.

<sup>24</sup> Application, see at least page 7 lines 23-25, page 11 lines 10-13, page 12 lines 20-26, and FIGS. 1, 2A, 2D and 7-20).

Page 6 of 25  
Application No. 09/259,984  
Appeal Brief

instances can be sorted or filtered, such as by a defined category 588, event, time periods 610, 658 or other filtering.<sup>25</sup>

#### **(6) Grounds of Rejection to be Reviewed**

The following issues are presented for review:

Issue 1: whether claims 1-5, 11, 16, 17, 19-27, 32-33, 28, 39, 41-48, 50, and 52-59 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 5,929,849 to Kikinis (referred to below as the Kikinis patent) in view of U.S. Patent No. 6,005,565 to Legall et al. (referred to below as the Legall patent).

Issue 2: whether claims 18 and 40 are unpatentable under 35 U.S.C. §103(a) over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 6,081,628 to Maekawa et al. (referred to below as the Maekawa patent).

Issue 3: whether claims 12, 13, 34 and 35 are unpatentable under 35 U.S.C. §103(a) over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 6,208,384 to Schultheiss (referred to below as the Schultheiss patent).

Issue 4: whether claims 14-15, 36-37 and 49 are unpatentable under 35 U.S.C. §103(a) over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 6,216,264 to Maze et al. (referred to below as the Maze patent).

---

<sup>25</sup> Application, see for example, page 16 lines 23-35, and page 18, lines 1-21, and FIGS. 10-20.



Page 7 of 25  
Application No. 09/259,984  
Appeal Brief

**(7) Argument**

The following arguments are presented to contest the grounds for rejection presented above.

**Issue 1: Claims 1-5, 11, 16, 17, 19-27, 32-33, 28, 39, 41-48, 50, and 52-59 are patentable over the Kikinis patent in view of the Legall patent.**

**Claim 1**

Claim 1 is rejected over the combination of the Kikinis and Legall patents. This combination, however, fails to teach each limitation as recited in at least claim 1.

The Examiner in rejecting claim 1 suggests that the CPU 19 of the Kikinis patent inherently includes a buffer that facilitates the transfer of a command between a circuit that receives wireless television signals and a circuit that receives computer network communications. Specifically, the Examiner suggests that the inherent buffer is “the inherent buffer memory [that] is referred to as the L1 cache” (office action, page 5). The L1 cache as the Examiner further specifically states “stores command words for execution by the processor” (office action, page 5, emphasis added). This L1 cache, however, does not facilitate nor does the Kikinis patent teach or suggest a buffer logic circuit that at least facilitates the transfer of commands between the circuit that receives the television signals and the circuit that receives the computer network signals, and instead, only includes commands that are used by the CPU 19. There is no suggestion or teaching in the Kikinis patent to facilitate at least the transfer of commands between the circuit that receives the television signals and the circuit that receives the computer network signals.

The Examiner suggests that the L1 cache of the CPU 19 facilitates the communication of commands received by the receiver 65 from a remote control device 63 to the modem 36 or 39. Specifically, the Examiner states “user input commands used to control the system, such as input that initiates the retrieval of data from the internet ... pass from receiver 65 to modem 35 or 39 after appropriate processing by CPU 19” (office action, page 6). However, the selection signal received at receiver 65 is not a command, but instead is a code signal corresponding with a selection of an option (i.e., the selection of a button on a remote control 63). The CPU 19 receives the code signal from the receiver, and processes that selection to determine an

Page 8 of 25  
Application No. 09/259,984  
Appeal Brief

appropriate action to be taken. The code selection signal may be associated with the modem 35, the DRAM 49, the ROM 47 or other components of the system 11. The code signal is evaluated by the CPU and the CPU then determines appropriate actions to be taken. Based on the determined action the CPU may generate instructions that are communicated to an appropriate component. As such, the code selection signal received at the receiver 65 is not transferred to the modem 65, but instead, the CPU may generate separate instructions that are forwarded to the modem. Specifically, the Kikinis patent states that:

If the viewer is interested in additional information, he/she may manipulate the cursor to touch the region of emblem 57 and then actuate a selection signal, such as pressing one of the buttons 69 on the remote. On receipt of the selection signal... the system executes browser routines (Kikinis, col. 7, lines 57-62, emphasis added).

This demonstrates that the Kikinis patent does not transfer the "selection signal" but instead interprets that "selection signal" and communicates separate instructions to, for example, execute browser routines. Instead, the CPU 19 of Kikinis generates commands and does not transfer commands. Therefore, the L1 cache does not facilitate the transfer nor does any other supposedly inherent buffer within the CPU or other components facilitate the transfer of a command as recited in claim 1, and the Kikinis patent fails to teach or suggest at least the buffer logic circuit as recited in claim 1.

Further, the Kikinis patent fails to describe any interaction between the receiver 65 and the CPU 19. There is no discussion or teaching in the Kikinis patent that selection signals received at the receiver 65 are transferred to the modem 35 or 65. Instead, the CPU at best processes the selection signals received at the receiver 65 and determines appropriate actions to be taken, which may have nothing to do with the modem 35 or 39. The instructions from the CPU 19 to the modem 35 or 39 are not a transfer of the commands from the receiver 65 to the modem. Additionally, the modem or ISND could not accurately utilize the selection signal received at the receiver 65. Therefore, the Kikinis patent fails to teach each limitation as recited in at least claim 1.

Page 9 of 25  
Application No. 09/259,984  
Appeal Brief

Additionally in rejecting claim 1, the Examiner relies on an "inherent internal buffer" within the MPEG decoder 25. Appellants respectfully further submit that in at least one implementation, the MPEG decoder 25 could operate as a constant rate and/or could operate without buffering data and simply decoding data as it is received. Therefore, because there is a possibility that the MPEG decoder 25 could operate without a buffer it is not necessary that the MPEG decoder 25 includes a buffer as suggested by the Examiner, and that a buffer is not inherent to the MPEG decoder 25. The Examiner failed to show support in the Kikinis patent that such a buffer is necessary or inherent, and further failed to provide any further evidence that such a buffer was inherent. Appellants have demonstrated that a buffer is not necessary and that it is not inherent that the MPEG decoder 25 includes a buffer. Thus, the Kikinis patent fails to teach at least the buffer logic circuit as recited in claim 1.

The Legall patent also fails to teach or suggest at least a buffer logic circuit that transfers at least commands between the circuit that receives television signals and the circuit that receives computer network signals. Therefore, a *prima facie* case of obviousness has not been established, and thus, claim 1 is patentable over the applied combination.

#### Claim 23

Claim 23 has also been rejected as unpatentable over the combination of the Kikinis and Legall patents. Appellants respectfully traverse this rejection in that the combination fails to teach or suggest at least each limitation as recited in at least claim 23. For example, claim 23 recites in part:

buffering and controlling the transfer of commands and at least portions of the sensory data and the programming data between the first and second circuits through a third circuit, and the second circuit transfers at least commands through the third circuit to the first circuit.

As demonstrated above, the Kikinis patent fails to teach or suggest at least the buffering and controlling the transfer of commands between a first circuit that receives wireless television communication signals and a second circuit that receives computer network communication signals. The Examiner relies on the selection signals from the remote control 63 of Kikinis

Page 10 of 25  
Application No. 09/259,984  
Appeal Brief

received at the receiver 65. Appellants have demonstrated above that these "selection signals" are not transferred through the CPU or through a buffer that *arguendo* is inherent in the CPU. Instead, the CPU processes the signals and determines appropriate actions to be taken and issues separate instructions in response to the determination. Therefore, the Kikinis patent fails to teach or suggest at least the buffering and controlling of the transfer of commands between the recited first and second circuits.

Further, the Examiner failed to address the fact that claim 23 recites "buffering and controlling ... the second circuit transfers at least commands through the third circuit to the first circuit" (claim 23). There is no discussion or teaching in the Kikinis patent regarding buffering and controlling of commands from the second circuit that receives computer network communication signals to the first circuit that receives wireless television signals and the Examiner fails to demonstrate where the Kikinis patent teaches at least this limitation. For example, the Kikinis patent fails to teach or suggest that commands are transferred from the VGA 33, modem 35 or ISDN 39 to the decoder tuner 29 or receiver 65 through the "inherent" buffer of the CPU or the "inherent" buffer of the MPEG decoder 25. Appellants respectfully submit that there is no discussion or teaching in the Kikinis patent regarding the buffering and controlling through the third circuit of the transferring of commands from the second circuit that receives computer network communication signals to the first circuit that receives wireless television signals.

The Legall patent also fails to teach or suggest at least the buffering and controlling of the transfer of commands or "the second circuit transfers at least commands through the third circuit to the first circuit" as recited in claim 23. The combination of the Kikinis and Legall patents fails to teach each limitation as recited in claim 23, and as such a *prima facie* case of obviousness has not been established. Therefore, at least claim 23 is patentable over the combination of the Kikinis and Legall patents.

#### Claim 45

Claim 45 has similarly been rejected as unpatentable over the combination of the Kikinis and Legall patents. Appellants respectfully traverse this rejection in that the combination

Page 11 of 25  
Application No. 09/259,984  
Appeal Brief

fails to teach or suggest at least each limitation as recited in at least claim 45. For example, claim 45 recites in part:

buffer logic ... including buffering and facilitating the transfer of commands and the digital signals between the DSS processing element and the Internet processing element and the transfer of Internet data from the DSS processing element through the buffer logic to the Internet processing element.

As demonstrated above, the Kikinis patent fails to teach or suggest at least the buffering and facilitating the transfer of commands between a DSS processing element and an Internet processing element through the buffer logic.

The Examiner in rejecting claim 45 suggests that the CPU 19 inherently includes a buffer where "the inherent buffer memory is referred to as the L1 cache" (office action, page 5). However, the Examiner fails to show that the supposed inherent buffer facilitates the transfer of commands between the DSS processing element and the Internet processing element. Instead, the Examiner states that "buffer logic circuit ... are inherent features" (office action, page 3) and states that "the L1 cache ... stores command words for execution by the processor" (office action, page 13). Appellants respectfully submit, however, that the Kikinis patent fails to teach or suggest at least a buffer logic that transfers commands. At best, *arguendo*, the L1 cache is used by the CPU to determine actions and/or to generate instructions in response to an evaluation. The L1 cache does not transfer commands.

The L1 cache as the Examiner specifically points out "stores command words for execution by the processor" (office action, page 13, *emphasis added*). The L1 cache does not transfer and the Examiner fails to show that the L1 cache buffers commands from the receiver 65 that are transferred to the Internet processing element ("fig. 1, modem 35, and ISDN, 39, TV 51, and computer monitor 53, under control of CPU" as defined by the Examiner (office action, page 12)). Therefore, the "inherent buffer memory [that] is referred to as the L1 cache" does not facilitate the transfer of commands as recited in claim 45. Further, the CPU 19 does not facilitate the transfer of commands received from the receiver 65 to the modem 35 or ISDN 39. Instead, the CPU 19 receives a selection signal from the receiver 65 and processes that signal. Based on the processing the CPU 19 then generates one or more instructions that are sent to the modem 35.

Page 12 of 25  
Application No. 09/259,984  
Appeal Brief

Therefore, the CPU 19 and its L1 cache do not facilitate the transfer of commands between the receiver 65 and the modem 35.

Still further, the signal received at the receiver 65 is not a command, but instead is a selection signal corresponding with a selection of an option (i.e., the selection of a button on a remote control). The CPU 19 receives this signal with the selection of the option and processes that signal to determine appropriate actions to be taken. Additionally, the modem or ISND could not accurately utilize the selection signal received at the receiver 65. Therefore, the signal received from the receiver 65 is not a command but a communication indicating a selection, and that communication is not transferred to an Internet processing element. Therefore, the Kikinis patent fails to teach at least the buffer logic as recited in claim 45.

Furthermore, claim 45 recites in part that the buffer logic facilitates the "the transfer of Internet data from the DSS processing element through the buffer logic to the Internet processing element." The Kikinis patent fails to describe and the Examiner fails to show that the buffer logic of Kikinis defined by the Examiner facilitates the "transfer of Internet data from the DSS processing element through the buffer logic to the Internet processing element" as recited in claim 45.

The Examiner states that the Kikinis patent describes a DSS processing element defined by "decoder/tuner 13, MPEG decoder 25, VGA chipset 33 and receiver 65, under control of CPU 19" as shown in figure 1" (office action, page 12); an Internet processing element defined by "modem 35, and ISDN 39, TV 51 and computer monitor 53, under control of CPU 19 as shown in figure 1" (office action, page 12); and buffer logic defined by "CPU 19 and MPEG decoder 25, wherein MPEG decoder and 80486 processors inherently include buffer memories" (office action, page 13). The Kikinis patent does not teach or suggest at least that Internet data is transferred from the "decoder/tuner 13, MPEG decoder 25, VGA chipset 33 and receiver 65" to the "modem 35, and ISDN 39, TV 51 and computer monitor 53". Therefore, the Kikinis patent fails to teach each limitation as recited in claim 45, and thus, claim 45 is patentable over the applied combination.

The Legall patent also fails to teach at least buffer logic as recited in claim 45, the transfer of commands or the transfer of Internet data as recited in at least claim 45. As such, the

Page 13 of 25  
Application No. 09/259,984  
Appeal Brief

combination fails to teach or suggest each limitation as recited in claim 45. Therefore, a *prima facie* case of obviousness has not been established, and thus, claim 45 is patentable over the combination of the Kikinis and Legall patents.

Additionally, the Examiner in attempting to define how the Kikinis patent describes the claimed DSS processing element, Internet processing element and the buffer logic, the Examiner has effectively read at least the buffer logic out of the claim. Specifically, the Examiner states that the DSS processing element is described in Kikinis by "decoder/tuner 13, MPEG decoder 25, VGA chipset 33 and receiver 65, under control of CPU 19" (office action, page 12) and further that the buffer logic is described by "CPU 19 and MPEG decoder 25, wherein MPEG decoder and 80486 processors inherently include buffer memories" (office action, page 13). Thus, the Examiner has stated that the buffer logic is the DSS processing element.

Appellants note that every element of the "buffer logic" as defined by the Examiner in Kikinis is also defined as being part of the "DSS processing element" as defined by the Examiner in Kikinis. Thus, Appellants respectfully submit that the Examiner has effectively read at least the "buffer logic" claim limitation right out of claim 45. If we assume for argument that the Examiner's cooperation of elements in the Kikinis patent is accurate, one could effectively read claim 45 as the DSS processing element both receiving satellite communications and "facilitating the transfer of commands and the digital signals between the DSS processing element and the Internet processing element", thus effectively reading the claimed "buffer logic" out of the claim. However, claim 45 does not recite that the DSS processing element facilitates the transfer of commands, but instead includes the "buffer logic" that at least facilitates the transfer commands and the digital signals.

Appellants respectfully submit that the Examiner's use of the same components from the Kikinis patent as part of multiple claimed elements effectively reads the claim limitations right out of claim 45, and is an inappropriate application of the reference to claim 45. Therefore, Appellants request the rejection be withdrawn.

Page 14 of 25  
Application No. 09/259,984  
Appeal Brief

Claims 2-5, 10-11, 16-17, 19-22, 24-27, 32-33, 38-39, 41-44, 46-48, 50 and 52-59

Claims 2-5, 10-11, 16-17, 19-22, 24-27, 32-33, 38-39, 41-44, 46-48, 50 and 52-59 each depend from one of independent claims 1, 23 and 45. Therefore, claims 2-5, 10-11, 16-17, 19-22, 24-27, 32-33, 38-39, 41-44, 46-48, 50 and 52-59 are also patentable over the applied combination of references due at least to their dependency on claims 1, 23 and 45.

Issue 2: claims 18 and 40 are patentable under 35 U.S.C. §103(a) over the Kikinis patent in view of the Legall patent in further view of the Maekawa patent.

Appellants have demonstrated above that independent claims 1 and 23 are patentable over the combination of the Kikinis and Legall patents. The Maekawa patent also fails to teach or suggest at least the buffer logic circuit as recited in claim 1 and the transferring of command from the second circuit through the third circuit to the first circuit as recited in claim 23. Therefore, claims 18 and 40 are also patentable over the applied combination for at least the reasons provided above.

Issue 3: claims 12, 13, 34 and 35 are patentable under 35 U.S.C. §103(a) over the Kikinis patent in view of the Legall patent in further view of the Schultheiss patent.

Claims 12 and 13 depend from claim 1, and claims 34 and 35 depend from claim 23. As demonstrated above, the combination of the Kikinis and Legall patents fails to make claims 1 and 23 obvious. The Schultheiss patent also fails to teach at least the buffer logic circuit as recited in claim 1 and the transferring of command from the second circuit through the third circuit to the first circuit as recited in claim 23. Therefore, claims 12, 13, 34 and 35 are also patentable over the combined references.

Issue 4: claims 14-15, 36-37 and 49 are patentable under 35 U.S.C. §103(a) over the Kikinis patent in view of the Legall patent in further view of the Maze patent.

Claims 14 and 15 depend from claim 1, claims 36 and 37 depend from claim 23 and claim 49 depends from claim 45. As demonstrated above, the combination of the Kikinis and Legall patents fails to make claims 1, 23 and 45 obvious. The Maze patent also fails to teach at



Page 15 of 25  
Application No. 09/259,984  
Appeal Brief

least those aspects of claims 1, 23 and 45 that were demonstrated above as not being taught by the Kikinis and Legall patents. Therefore, claims 14, 15, 36, 37 and 49 are also patentable over the applied combination of references for at least the reasons provided above.

### **(8) Claims Appendix**

Provided is a complete listing of all the pending claims involved with this appeal:

Claim 1 (previously presented): An apparatus for displaying information on a television, comprising:

- a circuit that receives wireless television communication signals, the wireless television communication signals including sensory data and programming data related to the sensory data and provides digital signals comprising at least one of the sensory data and the programming data;

- a circuit that receives computer network communication signals;

- a buffer logic circuit that receives the digital signals and facilitates communication is coupled with both the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals, wherein the buffer logic circuit facilitates communication between the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals, including facilitating the transfer of commands and the digital signals between the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals, such that the buffer logic circuit receives data from the circuit that receives wireless television communication signals, buffers the data without decoding the data and passes the data to the circuit that receives computer network communication signals;

- a circuit that displays the received wireless television communication signals and the received computer network communication signals on the television; and

- a circuit that displays an option palette on the television, the option palette having a plurality of icons that facilitate a user's navigation through the received wireless television communication signals.

Page 16 of 25  
Application No. 09/259,984  
Appeal Brief

Claim 2 (original): The apparatus of claim 1, further comprising:  
a circuit that displays a plurality of filtering options on the television in response to the user selecting an icon in the option palette, each filtering option representing a way in which the programming data in the received wireless television communication signals is displayed on the television.

Claim 3 (original): The apparatus of claim 2, wherein a filtering option is filtering the programming data by a category associated with the programming data.

Claim 4 (previously presented): The apparatus of claim 3, wherein the category comprises at least one of movies, specials, attractions and education.

Claim 5 (previously presented): The apparatus of claim 3, wherein the category comprises at least one of sports and drama.

Claims 6-9 (cancelled)

Claim 10 (original): The apparatus of claim 2, wherein a filtering option is filtering the programming data by a predetermined time period associated with the programming data.

Claim 11 (original): The apparatus of claim 10, wherein the predetermined time period is an hour.

Claim 12 (original): The apparatus of claim 10, wherein the predetermined time period is a day.

Claim 13 (original): The apparatus of claim 10, wherein the predetermined time period is a month.

Page 17 of 25  
Application No. 09/259,984  
Appeal Brief

Claim 14 (original): The apparatus of claim 1, further comprising:  
a circuit for displaying an on-screen keyboard on the television in response to the user selecting an icon in the option palette, the on-screen keyboard having a plurality of keys;  
a circuit for entering a search command in response to the user selecting the keys of the on-screen keyboard; and  
a circuit for searching the programming data in accordance with and in response to the entered search command.

Claim 15 (original): The apparatus of claim 14, further comprising:  
a remote controller for enabling a user to select the keys of the on-screen keyboard.

Claim 16 (original): The apparatus of claim 1, further comprising:  
a circuit for displaying an on-screen search window on the television in response to the user selecting an icon in the option palette, the on-screen search window for displaying a search command entered by the user;  
a remote keyboard in communication with the on-screen search window circuit such that the user can enter the search command in the on-screen search window via the remote keyboard; and  
a circuit for searching the programming data in accordance with and in response to the entered search command.

Claim 17 (original): The apparatus of claim 16, wherein the remote keyboard is a wired keyboard.

Claim 18 (original): The apparatus of claim 16, wherein the remote keyboard is a wireless keyboard.

Page 18 of 25  
Application No. 09/259,984  
Appeal Brief

Claim 19 (original): The apparatus of claim 1, further comprising:  
a circuit that filters the programming data of the wireless television communication signals by channel;  
a circuit that displays a plurality of channels of programming data on the television; and a circuit that permits the user to select a number of channels displayed on the television in response to the user selecting an icon in the option palette.

Claim 20 (original): The apparatus of claim 1, wherein the wireless television communication signals are received from a wireless communication channel that is communicatively connected to at least one satellite.

Claim 21 (original): The apparatus of claim 1, wherein the computer network communication signals are received from a computer network communication channel that is communicatively connected to the Internet.

Claim 22 (original): The apparatus of claim 1, further comprising:  
a remote controller for facilitating a user's selection of an icon.

Claim 23 (previously presented): A method for displaying information on a television, comprising the steps of:

receiving wireless television communication signals in a first circuit, the wireless television communication signals including sensory data and programming data related to the sensory data;

receiving computer network communication signals in a second circuit;

buffering and controlling the transfer of commands and at least portions of the sensory data and the programming data between the first and second circuits through a third circuit, and the second circuit transfers at least commands through the third circuit to the first circuit;

displaying the received wireless television communication signals and the received computer network communication signals on the television;

Page 19 of 25  
Application No. 09/259,984  
Appeal Brief

generating an option palette having a plurality of icons that facilitate a user's navigation through the received wireless television communication signals; and  
displaying the option palette on the television.

Claim 24 (original): The method of claim 23, further comprising the step of:  
displaying a plurality of filtering options on the television in response to the user selecting an icon in the option palette, each filtering option representing a way in which the programming data in the received wireless television communication signals is displayed on the television.

Claim 25 (original): The method of claim 24, further comprising the step of:  
filtering the programming data by a category associated with the programming data in response to the user selecting a filtering option.

Claim 26 (previously presented): The method of claim 25, wherein the category comprises at least one of movies, specials, attractions and education.

Claim 27 (previously presented): The method of claim 25, wherein the category comprises at least one of sports and drama.

Claims 28-31 (cancelled)

Claim 32 (original): The method of claim 24, further comprising the step of filtering the programming data by a predetermined time period associated with the programming data in response to the user selecting a filtering option.

Claim 33 (original): The method of claim 32, wherein the predetermined time period is an hour.

Page 20 of 25  
Application No. 09/259,984  
Appeal Brief

Claim 34 (original): The method of claim 32, wherein the predetermined time period is a day.

Claim 35 (original): The method of claim 32, wherein the predetermined time period is a month.

Claim 36 (original): The method of claim 23, further comprising the steps of:  
displaying an on-screen keyboard on the television in response to the user selecting an icon in the option palette, the on-screen keyboard having a plurality of keys;  
entering a search command in response to the user selecting the keys of the on-screen keyboard; and  
searching the programming data in accordance with and in response to the entered search command.

Claim 37 (original): The method of claim 36, further comprising the step of:  
providing a remote controller for enabling a user to select the keys of the on-screen keyboard.

Claim 38 (original): The method of claim 23, further comprising the steps of:  
displaying an on-screen search window on the television in response to the user selecting an icon in the option palette, the on-screen search window for displaying a search command entered by the user;  
providing a remote keyboard in communication with the on-screen search window circuit such that the user can enter the search command in the on-screen search window via the remote keyboard; and  
searching the programming data in accordance with and in response to the entered search command.

Page 21 of 25  
Application No. 09/259,984  
Appcal Brief

Claim 39 (original): The method of claim 38, wherein the remote keyboard is a wired keyboard.

Claim 40 (original): The method of claim 38, wherein the remote keyboard is a wireless keyboard.

Claim 41 (original): The method of claim 23, further comprising the step of:  
filtering the programming data of the wireless television communication signals by channel;  
selecting a number of channels of programming data to be displayed on the television in response to the user selecting an icon in the option palette; and  
displaying the selected number of channels of programming data on the television.

Claim 42 (original): The method of claim 23, further comprising the step of:  
receiving the wireless television communication signals from a wireless communication channel that is communicatively connected to at least one satellite.

Claim 43 (original): The method of claim 23, further comprising the step of:  
receiving the computer network communication signals from a computer network communication channel that is communicatively connected to the Internet.

Claim 44 (original): The method of claim 23, further comprising the step of:  
providing a remote controller for facilitating a user's selection of an icon.

Claim 45 (previously presented): An apparatus for displaying information on a television, comprising:  
a digital satellite system (DSS) processing element communicatively connected to at least one satellite communications channel for receiving digital communication signals, the received digital communication signals including sensory data and programming data related to the

Page 22 of 25  
Application No. 09/259,984  
Appeal Brief

sensory data, the DSS processing element converting the received digital communication signals into a form that can be displayed on the television, the DSS processing element generating an option palette that can be displayed on the television, the option palette having a plurality of icons that facilitate a user's navigation through the converted digital communication signals;

an Internet processing element communicatively connected to the Internet for receiving computer network communication signals and converting the received computer network communication signals into a form that can be displayed on the television, the Internet processing element receiving the converted digital communication signals and the option palette from the DSS processing element and displaying the converted digital communication signals, the converted computer network communication signals, and the option palette on the television; and

buffer logic comprising at least one buffer, the buffer logic is coupled with the DSS processing element and the Internet processing element, wherein the buffer logic buffers and facilitates communication between the DSS processing element and the Internet processing element, including buffering and facilitating the transfer of commands and the digital signals between the DSS processing element and the Internet processing element and the transfer of Internet data from the DSS processing element through the buffer logic to the Internet processing element.

Claim 46 (original): The apparatus of claim 45, wherein the DSS processing element generates a plurality of filtering options in response to the user selecting an icon in the option palette, each filtering option representing a way in which the programming data in the converted digital communication signals are displayed on the television, and the Internet processing element receives the plurality of generated filtering options from the DSS processing element and displays the plurality of generated filtering options on the television.

Claim 47 (original): The apparatus of claim 46, wherein a filtering option is filtering the programming data by a category associated with the programming data.



Page 23 of 25  
Application No. 09/259,984  
Appeal Brief

Claim 48 (original): The apparatus of claim 46, wherein a filtering option is filtering the programming data by a predetermined time period associated with the programming data.

Claim 49 (original): The apparatus of claim 45, wherein the DSS processing element generates, and the Internet processing element displays, an on-screen keyboard on the television in response to the user selecting an icon in the option palette, the on-screen keyboard having a plurality of keys for entering a search command, the DSS processing element searching the programming data in the converted digital communication signals for information associated with an entered search command.

Claim 50 (original): The apparatus of claim 45, further comprising:  
a remote controller for enabling the user to select an icon from the plurality of icons of the option palette.

Claim 51 (cancelled)

Claim 52 (previously presented): The apparatus of claim 45, wherein the buffer logic further receives broadcast data and forwards at least a portion of the broadcast data to the Internet processing element.

Claim 53 (previously presented): The apparatus of claim 1, wherein the buffer logic circuit that receives the digital signals and facilitates communication further receives broadcast data and forwards at least a portion of the broadcast data to the circuit that receives computer network communication signals.

Claim 54 (previously presented): The apparatus of claim 53, wherein the buffer logic circuit that receives the digital signals and facilitates communication further receives commands from a user and forwards the received commands to the circuit that receives computer network communication signals.

Page 24 of 25  
Application No. 09/259,984  
Appeal Brief

Claim 55 (previously presented): The apparatus of claim 23, further comprising:  
receiving broadband communication signals through the third circuit;  
forwarding at least a portion of the received broadband communication signals to the second circuit; and  
displaying the forwarded portion of the broadband communication signals and the received computer network communication signals on the television.

Claim 56 (previously presented): The apparatus of claim 55, further comprising:  
decimating at least a portion of the programming data and blending the decimated portion of the programming data with the computer network communication signals.

Claim 57 (previously presented): The apparatus of claim 1, wherein option palette comprises a planner screen that displays a calendar indicating programs that are selected.

Claim 58 (previously presented): The apparatus of claim 1, wherein the buffer logic circuit further comprises a multiplexer coupled with a plurality of buffers such that the multiplexer receives data including at least the programming data from the circuit that receives wireless television communication signals that is forwarded to the buffers.

Claim 59 (previously presented): The apparatus of claim 58, wherein the buffer logic circuit further comprises an address decoder coupled with the multiplexer to deliver an address dictating which of the plurality of buffers at least a portion of the data received from the circuit that receives wireless television communication signals is to be communicated.

**(9) Evidence Appendix**

None

Page 25 of 25  
Application No. 09/259,984  
Appeal Brief

**(10) Related Proceedings Appendix**

None

**CONCLUSION**

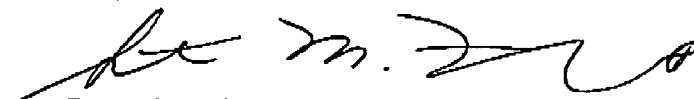
Appellants submit that the rejections of the pending claims 1-5, 10-27, 32-50 and 52-59 are in err, and that claims 1-5, 10-27, 32-50 and 52-59 are patentable over the applied combinations of references.

Appellants respectfully request a reversal of the final rejection.

Dated:

10-9-06

Respectfully submitted,



Steven M. Freeland  
Reg. No. 42,555  
Attorney for Applicants

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
Thomas F. Lebens  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603  
(858) 552-1311

461746\_1(81105AppealBrief)